

**NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.**

**CITY PLANNING COMMISSION  
REGULAR MEETING  
January 19, 2006**

**APPROVED**

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13<sup>th</sup> Floor of the Coleman A. Young Municipal Center, at 4:45 PM.

Roll Call: Present at the meeting were Commissioners Christensen, Glaser, Glenn, Jeffrey, Simons, and Williams. Absent were Commissioners Cason (excused), Smith (excused) and Wendler (excused).

Agenda:

Minutes: The Agenda was approved as submitted.

ACTION: Commissioner Glaser moved to approve the minutes of the Regular Meeting of January 5, 2006.  
Commissioner Christensen seconded the motion.  
Motion carried.

PRESENTATION:  
Detroit Wayne County Port Authority - construct a public dock and terminal facility: A presentation was made by the Detroit Wayne County Port Authority (DWCPA) on plans to build a public dock and passenger terminal facility on the riverfront at the foot of Bates Street in downtown Detroit.

Present for the discussion were John Kerr, Director of Economic Development and Grants Management, Detroit Wayne County Port Authority, and Sandy Laux, Tom Sherry, Matt Taylor and Dave Tobar of Hamilton Anderson and Associates, architect for the project.

CPC staff member Gregory Moots presented background information. The DWCPA has acquired the site from General Motors and is presently working on a design solution for the site. The facility will house the office of the DWCPA and necessary operational components to harbor and attract cruise ships and other transient vessels visiting Detroit. Vessels such as naval frigates, historical tall ships, racing yachts, tour boats and dinner cruisers requiring a place to dock could be accommodated at this facility. The new state-of-the-art facility is envisioned as standing two to three stories tall and containing approximately 24,000-30,000 square feet of space.

Mr. Kerr noted that the DWCPA received a \$6 million federal grant and other matching transportation and environmental grant monies for development of the new facility. The DWCPA has been working for several years in locating an appropriate site for the dock and terminal. The DWCPA is pleased with the site acquired from GM and is confident that constraints posed on the design of the facility can be worked out.

In response to Commissioner Simons, Mr. Kerr stated that the facility would probably be two stories in height and would house the Port Authority headquarters and offices, and accommodations for embarkation and disembarkation. The ground floor would include an interpretive and interactive space celebrating the heritage of the Great Lakes. The design of the facility is based on accommodating The Columbus, the largest cruise ship on the Great Lakes, which is 520 feet in length and supports 425 passengers and crew.

Commissioner Williams inquired as to the location of the current headquarters of the Port Authority. Mr. Kerr noted that the headquarters are located at 8109 E. Jefferson, one block east of Van Dyke.

Commissioner Christensen noted concern regarding ship anchor drag given the proximity to the Detroit-Windsor Tunnel. The bow of the incoming ships will be over the top of the Tunnel. What safeguards are in place? Mr. Kerr noted that the DWCPA has been very transparent with all of the stakeholders adjacent to the project site and has met with representatives of the Detroit-Windsor Tunnel. The Army Corps of Engineers and the Department of Environmental Quality raised the issue during the 8-9 month permit process. The DWCPA is fully aware of the issues. But, until construction drawings are complete and able to be shared with the stakeholders, it is hard for the DWCPA to mitigate the issues. As the Port Authority continues to come to completion of the drawings, it will discuss the issues with the Detroit-Windsor Tunnel. In the next 2-3 weeks, the DWCPA plans to discuss the issues with all stakeholders who surround the site.

Mr. Kerr also noted that the Port Authority does intend to monitor the tunnel covering. Rip wrap is used to keep the tunnel stable. New rip wrap was installed six years ago for security measures. The DWCPA intends to work with the Detroit-Windsor Tunnel to assure close monitoring.

Referring to drawings, Ms. Laux explained constraints to the site noting non-buildable areas and limited vehicular access because of a seawall, poor soils, a retaining wall on Atwater, and a 10 foot easement leading to a pump house providing water to General Motors, the RenCen and other buildings. She noted areas where dredging was not allowed and reasons for the development of an offshore wood supported wharf structure in order to accommodate the mooring of the largest vessel, The Columbus. However, she noted that smaller vessels holding 100 passengers and 36 crew would typically be the size of ships to anchor on a daily basis.

Ms. Laux noted that passengers would be shuttled to the site via busses. She referred to drawings depicting the construction of a vehicular drive between the retaining wall and the building to allow for service to the pump house and to accommodate baggage handling. Vehicular activity would be separated from pedestrian activity.

Other elements on the site requiring attention include the recent discovery of underground concrete vaults and old foundations.

Mr. Kerr explained the need to go out into deeper water in order to accommodate the large vessel, The Columbus. Mr. Kerr noted locations where the depth of the seawall is 15 feet and the depth of the water is 20-25 feet. At those locations, the Detroit-Windsor tunnel is believed to be thirty feet below the soil. Because of a bend in the River, Detroit has very shallow spots along its entire shoreline. In contrast, the water depth at the shoreline of the City of Windsor is 35 feet.

In response to Commissioner Williams, Ms. Laux explained the circulation of passengers debarking from a ship, pointing out areas of baggage pickup, customs clearance, and vehicular drop-off/pick-up.

Mr. Tobar summarized how the proposed facility fits on the subject site given all of the constraints. He cited the DWCPA's desire to enhance sight lines to and from the facility to provide visibility to its prominent location on the riverfront. Vehicular access will primarily be at the terminus of Bates Street. Parking will be off-site; but busses, shuttles and taxis will be accommodated at a drop-off/pick-up area. An arrangement will be made with a parking facility and the DWCPA.

Commissioner Williams inquired as to whether the cost to construct the new service drive is included in the \$6 million federal grant. Mr. Tobar responded that the cost of construction of the on site service lane is included.

Mr. Tobar reviewed the footprint for the first floor of the facility.

Mr. Tobar noted that discussions are continuing with the Detroit Riverfront Conservancy to assure compatibility of materials with the Detroit RiverWalk. Materials, sight lines, functions, and passenger circulation are still being worked out.

Commissioner Christensen inquired as to whether disembarking passengers would walk across the RiverWalk. He asked how the DWCPA would keep pedestrians on Hart Plaza and GM riverfront promenade from mingling with passengers coming off the ship. Mr. Tobar noted similar concerns and concerns of the Office of Homeland Security with the docking of international vessels. Mr. Tobar noted that during those times, the DWCPA would close off the RiverWalk. The DWCPA is currently in discussion with GM as to where the temporary closure of the RiverWalk and the rerouting of pedestrians would occur.

Commissioner Christensen expressed concern that the RiverWalk could be shut down for 1.5 hours to accommodate disembarking passengers. He felt that passengers should be ushered through a tunnel or overhead passageway. It would be ridiculous to temporarily shut down the RiverWalk given all the work that has gone into that project.

Commissioner Williams inquired as to the cost in providing a raised walkway from the pier to the second floor of the facility. Mr. Kerr noted that because funds for the project were received prior to 9/11, the budget did not consider all of the Homeland Security requirements of today. Providing an elevated walkway over the greenway into the building or putting in a tunnel would be a tremendous cost. Providing such a walkway or tunnel is a definite possibility in the future should the DWCPA secure additional funding. However, given the current limited amount of funds and the fact that the facility is being designed to

accommodate one international vessel, The Sea Columbus, which came into port only once last year, Mr. Kerr felt the temporary closure of the RiverWalk was appropriate. The Sea Columbus will not be coming to Detroit this summer. During the full season, the time of disruption of the RiverWalk would be very minimal.

Commissioner Christensen emphasized that the DWCPA still has to plan for the future. It appears that the DWCPA is taking one step forward and two steps back if the issue is not addressed now. Mr. Kerr agreed noting that DWCPA will be planning for an expansion and an elevated walkway down the road. In the interim, the DWCPA is trying to come up with an alternative path so that it can accommodate passenger circulation during those minimal amounts of time when closure of the RiverWalk will be an issue.

Commissioner Williams inquired as to security. If one is building gates that are not open all of the time, one is breaking a flow. Mr. Kerr noted that the DWCPA is considering removable barriers as is done in other ports. The barriers are temporary and flexible.

Commissioner Christensen inquired as to whether the RiverWalk plan included retail, restaurants, and picnic sites in this area. Mr. Moots did not remember seeing that in the RiverWalk plan but would verify what is planned for the RiverWalk at those points. The general area for the DWCPA facility on the RiverWalk plan has been known for a couple of years. CPC staff would check earlier drawings of the RiverWalk plan. Mr. Kerr noted that the area in question was never a part of the RiverWalk. The property was gated and secured, and belonged to GM.

Matt Taylor noted that passengers would arrive by bus or taxi and be dropped off in the area underneath the second floor overhang. An attendant would take the baggage at curbside and transfer it to a staging area out to the ship. Passengers would proceed through the main entrance to the lobby of the building and proceed via an escalator to a smaller lobby on the second floor where areas are dedicated for ticketing, passenger embarkation and waiting. Debarking passengers would arrive from the wharf and proceed to the baggage area and then to customs and border control inspection areas. Upon clearing customs, passengers would exit through a lobby on the east side of the building and proceed to the main curb.

Employee offices, cruise line offices and a crew lounge would be located on the second floor of the facility. Flexible public space areas will be provided for use as a gallery or interpretive museum.

Mr. Taylor reviewed the elevations emphasizing that the design is still in the conceptual stage. Materials are sketchy at this time but glass will be used. The DWCPA is attempting to relay the sense of transparency by providing riverfront views to embarking passengers and to the public areas. Office functions would require more solid material e.g., textured surfaces, building trim and accent materials.

Tom Sherry noted that the facility would be an important civic building helping to tie the RiverWalk together. The DWCPA has a limited site and limited resources, but no limits on creativity of design. The scale, materials and details will be very friendly on a pedestrian level.

Commissioner Simons inquired as to whether the facility would be able to handle 500 passengers. Mr. Sherry responded affirmatively noting versatile space areas and the incorporation of lightweight temporary structures to provide for expanded baggage capacity, etc.

Commissioner Glenn inquired as to the time frame for construction and completion. Mr. Kerr responded that ideally, the design would be finalized within the next month. The project would then go out on bid for construction. The building and wharf is expected to be completed by March 2007.

Commissioner Glaser requested explanation of the public gallery space. Mr. Sherry noted sections of the building that would function as a public room with layers of permanent and temporary exhibits relating to the Detroit River and Great Lakes stewardship and heritage.

Commissioner Glaser inquired as to whether the newly discovered vaults and other items determined to be historically valuable to the community would be preserved. Mr. Sherry noted that that would be a possibility. Preliminary work shows that the discoveries are just old concrete foundations. The discoveries are being surveyed. Test pits (selective excavation) will be performed.

Commissioner Williams congratulated the DWCPA on its creativity and use of space given all of the restrictions. He inquired as the number of ships that docked in Detroit last year and whether the DWCPA is planning for an increase in that number. Mr. Kerr noted that last year the Sea Columbus docked only once because of a lack of facilities to accommodate that ship. The ship likes docking at the cargo terminal at the foot of Clark Street because of the availability of stevedoring equipment and barges. The goal of the DWCPA is to place these vessels with international tourists and passengers in the heart of the central business district in proximity to the People Mover stations, hotels, and the cultural district. The DWCPA is attempting to interact more with the downtown core.

Mr. Kerr noted that once the design is completed, a full marketing effort would occur. The facility is already being marketed to international cruise ships. The DWCPA is interfacing with Travel Michigan and the Visitors and Convention Bureau. Dozens of cruise line companies have expressed an interest in stopping in Detroit but need to see the building first.

Commissioner Williams questioned whether the DWCPA is building a facility first, and then try to attract the ships. Mr. Kerr responded affirmatively, but noted that there have been many ships that have had to pass the City of Detroit because there wasn't a place to dock, including the John Brown Liberty Ship. Cruise companies have indicated that once Detroit builds a port, they will include Detroit in its regular itinerary. The Port Authority will have an integrated marketing plan showcasing the facility and offerings of Detroit.

Commissioner Christensen requested clarification on temporary structures to accommodate baggage handling of larger ships. He inquired as to the location of the temporary placements as it appeared they could only be located on the RiverWalk. A representative of Hamilton Anderson indicated that the temporary barriers would be located between the RiverWalk and the building. The RiverWalk would be kept intact.

Commissioner Jeffrey hoped that the facility would be very successful and supported locating the facility in the heart of downtown. He inquired as to how the building could be expanded in the future. The architectural representative noted two possibilities. The facility could be expanded vertically by adding another floor or by adding an interstitial floor. The representatives pointed out the area where the mezzanine space could be built.

Commissioner Christensen inquired as to whether cargo ships would use the facility. Mr. Kerr responded that no cargo ships would use the facility. The facility is strictly for transient vessels of attraction.

In response to Commissioner Williams, Mr. Kerr noted that seven persons currently work at the Port Authority. The DWCPA noted the possibility of adding new staff down the road.

The matter was taken under advisement.

New Bus.-  
CPC  
February  
Meeting  
Schedule:

The Commissioners agreed to cancel its Regular Meeting of February 2, 2005 due to possible logistic issues related to Superbowl and Motor City Blast activities. The next Regular Meeting of the CPC would be held on February 16, 2006.

Commissioner Simons noted that he would get back to CPC staff regarding a date for the meeting of the CPC committee to prioritize the 2006 CPC Work Program.

Director's  
Report:

Mr. Loper presented the Deputy Director's report.

Medina Noor, Director of the Department of Administrative Hearings (DAH), has agreed to attend the CPC meeting of February 16, 2006 to provide an update on the DAH.

At the CPC meeting of January 5, 2006, Commissioners again discussed the placement of liens on other properties owned by dangerous building owners in order to collect demolition costs. The CPC packets included a copy of a letter prepared by CPC staff to the Law Department requesting an update on the process. The Law Department has verbally indicated that it is working with the Assessor's and Buildings & Safety Engineering Department to develop a program. The Law Department has been asked to give an update in 30 days.

In response to a question asked by Commissioner Glenn at the January 5, 2006 CPC meeting, Mr. Loper noted that the City Council has scheduled a discussion, not a public hearing, on the Senior Emergency Home Repair program. The discussion is scheduled for January 26, 2006.

In response to Commissioner Simons, Mr. Loper noted that City Council held a discussion on bulk pick-up on January 17, 2006 with Cathy Square, the new Director of the Department of Public Works. She presented the bulk pick-up plan for the City. Bulk pick-up will continue through the month of January and occur on each community's regular garbage pick-up day. Ms. Square indicated that she is considering renewing special pick-ups for yard waste and leaves during the spring and fall. Commissioner Simons noted that trees in his neighbor-hood haven't been trimmed in years; debris needs to be picked up. Commissioner Christensen noted a recently received postcard announcing the end of bulk pick up. Commissioner Simons suggested inviting Ms. Square to a CPC meeting in March or April.

OLD  
BUS.-  
Request of  
Morgan  
Develop-  
ment to  
purchase  
property  
on Lenox  
to develop  
Houses:

Further consideration was given to the request of Morgan Development to purchase City-owned property on Lenox (Grayhaven Mainland) in the Jefferson-Chalmers Project area and for PD (Planned Development District) plan approval for new single-family housing.

CPC staff member Marcell Todd addressed concerns raised at the Commission's November 3, 2005 public discussion on this matter, follow-up meetings with the Jefferson-Chalmers Citizens' District Council, the developer and the Planning & Development Department, and the outcome of a January 17, 2006 community meeting at East Lake Baptist Church.

Morgan Development is proposing to construct 18 luxury homes on approximately 17.5 acres of land. The homes will contain a minimum of 4,000 square feet and begin selling at \$500,000.

Mr. Todd noted that a number of the concerns raised at the community meeting have been addressed; others are outstanding. A status report prepared by CPC staff was included in the CPC table packet. As a result of the community meeting, community members expressing outstanding concerns and a desire to speak to the Commission about those concerns sent at least eight letters to the Commission.

Mr. Todd noted that the community has raised concern regarding the greenway buffer and bikepath. The developer contacted the Greenways Initiative, an arm of Southeast Michigan Community Foundation and one of the sponsors of the Conner Creek Greenway. The Conner Creek Greenway is a project being pursued on the east side of Detroit to connect residents in the northeast portion of the City down to the River along a greenway which essentially follows the Conner Creek Corridor and makes it way down through the Jefferson Chalmers community to Maheras Park. The Jefferson-Chalmers Urban Renewal Plan supports the idea of linking the riverfront parks in this area. Alfred Ford Park, Lakewood East and Mariner Park are adjacent to each other but separated by canals on the east side. Maheras Park stands alone as it is separated from the community by the Grayhaven Island development. The Urban Renewal Plan was modified in the 1980's to accommodate a pedestrian connection along the northern boundary of the Grayhaven development or along the southern line of the Remus Robinson school, immediately to the north fronting Essex. This will provide a pedestrian connection between Maheras Park, over to Lenox, and then down into Alfred Brush Park. The developer has agreed to pursue a greenway. There are no particular design criteria at this time, but the developer has agreed to work with the City, the community and other applicable agencies in an endeavor to provide the greenway. The berm to be developed along the eastern edge of the site would provide a buffer between the development, the roadway and existing community and will also help to establish the greenway.

Concerns were raised regarding the appearance of the gate, and gated communities. CPC staff felt that a gated community approach would be mandated for upscale, high end houses in order to capture the appropriate market. A gate with a single access point is proposed to appear on the site. The entry to the property would be in line with the intersection of Cortie and Lenox. The developer has agreed to move that fence and the gate back into the property in order to minimize its appearance to the street, and to further enhance the gate through the use of landscaping. The berm which is expected to rise three feet above the existing grade

will, in part, visually block the gate. In addition, the developer will erect an ornamental fence and gate similar to those surrounding the Fisher Mansion immediately to the north.

As to the repair and improvement of Lenox right-of-way, CPC staff noted efforts would be coordinated between the City and the developer.

As to the preservation of wildlife on the site, CPC staff noted that the developer contacted the Department of Natural Resources (DNR) to obtain a determination as to whether the site contains protected area or particular or rare species of animals. The DNR found nothing. Members of the community, however, do maintain that there are significant or rare species of both plant and animal life given the nature of the wooded lot. They contend that they should be protected. The developer has agreed to take all care in terms of whatever animals might be found on the site. During acquisition and predevelopment activities, an arborist will perform a tree survey to identify substantial or significant tree and plant specimens worthy of preservation.

As the community requested, the developer has provided additional examples of the models. The developer has agreed to maintain open lines of communication with the CDC providing them with images of the elevations of the buildings prior to construction and any and all information relative to floodplain issues, predevelopment activities, and improvements to the site, including the greenway, fencing and gating. Mr. Morgan intends to maintain that open relationship with the CDC recognizing that this development will make him more of an "entrenched" member of the community.

Mr. Todd relayed other concerns raised at the January 17, 2006 community meeting. Approximately 20 speakers expressed varying opinions. Only two who spoke about the development supported the project. Individuals who spoke against the project ranged in terms of their points of view. A number of them supported the nature center concept presented at the November 3, 2005 CPC meeting. Some individuals felt it was best to leave the wooded lot as is; others had concerns specific to the development. Given the nature and tone of the January 17 meeting, members of the public were concerned with the action and direction taken by the CDC to approve the project with the condition that the developer continue to work on all of the previously identified issues. The CDC indicated, in general, their satisfaction with the positive direction being taken to address the concerns. The general sentiment was that this Grayhaven site has been around for many years, many development proposals have fallen through, this is one of the better ones, the development is low density, and there are attempts to address the concerns presented by the CDC and the community at large.

Mr. Todd provided background information on the floodplain issues. In the late 1990's, FEMA recognized a change in floodplain conditions and modified its floodplain map. Those modifications have not yet been printed. The mortgage and insurance industries do not recognize the change until a FEMA floodplain map has been modified and presented. Individuals in the Jefferson-Chalmers community have not seen any adjustment in insurance or in requirements to obtain floodplain insurance because the map change has not been made. However, it is anticipated that that map will be revised and published this winter or this spring. According to Federal law, every property owner in a floodplain has the right to remove themselves from the flood plain following the appropriate State and Federal



guidelines. Approximately 5-6 acres of the Morgan Estates development along Lenox falls within the 100 year floodplain. The developer would like this property to be removed from the floodplain. The Department of Environmental Affairs recognizes two approaches in being removed from the floodplain. One is to raise the grade of the site to an elevation above the level of the floodplain. In this case, the property would have to be raised three-four feet across the topography of the site. However, if raised, a greater flooding concern might arise relative to run-off into the existing community, which would require other methods of mitigation. The better approach, which the developer has proposed, is to place the berm along Lenox, which would address the flow of the water into the site.

Commissioner Williams requested an explanation regarding placement of the berm. Mr. Todd noted that the upper edge of the development site falls within the floodplain. The rest of the site rises to an elevation that is above the floodplain. Usually when floodplain and flooding issues are raised, the concern is with flooding that would occur when the river level rises causing a rise in the Starboard Lagoon. In fact, the flooding potential stems from Fox Creek on the eastern border of the City and this community. In a major rain event, the entire area begins to flood moving in a northwesterly direction through the community. Morgan Estates is seeking to eliminate itself from that event by placing the berm along Lenox.

The concern of the residents in this community is that placing the berm along Lenox would worsen the impact of the flood event upon them. The City Engineer indicates that that is not necessarily the case. The impact would be minimal at best because one is looking at a flood event that is going to encompass this entire community as well as go as far north as Kercheval Ave., almost 200 acres. By causing a diversion to eliminate 5 acres of that impact, the water level in the adjacent area would only rise 1"-2". The crest of the River would determine the elevation of any flood.

The Department of Environmental Affairs (DEA) indicated that the rest of the community is already in the floodplain; the potential is already there. The City is in the process of trying to mitigate that. As a result of the rain that occurred in 1986, FEMA came in and worked with the City and Grosse Pointe to devise a plan to mitigate Fox Creek. Grosse Pointe made improvements, putting in a new seawall along its side of the Creek. For whatever reasons, the City was unable to make improvements to its side. The City indicates that there were objections from the property owners along the Creek. Those objections related to commercial operations. The City is in the process of trying to address this issue. The issue was addressed for the Graimark area. At the January 17 meeting, Mr. Bruce King of the DEA noted that measures to relieve the entire community as well as other impacted areas to the north range in cost from \$2-\$34 million. The City is expected to receive necessary reports in the next few months and intends to return to the community with a mitigation plan.

Commissioner Williams requested an explanation on the building of the buffer. He felt that in essence, the developer is saying, "I am building a buffer, so that the flooding stays on your side." Mr. Todd noted that the flooding would be there regardless because of the movement of the water. The developer is only removing five acres of the site from the floodplain.

Citing discussion at the November 3, CPC meeting, Commissioner Jeffrey noted that the berms were requested to address compatibility issues between a gated development and the rest of the community. Mr. Todd noted that the function of the berm is to address flooding issues. The developer had the option of either raising the grade of the site which would have resulted in even greater impact to the surrounding community or placing a berm which would lessen the impact.

Mr. Todd noted that citizens at the community meeting wanted assurance that there would not be any adverse impact on the surrounding community caused by the berm. The DEA has concluded that there is no real flooding impact given the difference of a 1"-2" inches in water level in the isolated impact area. Members of the community are concerned that there are limited guidelines governing the impact on adjacent properties should property owners exercise their right to exclude themselves from the floodplain. The residents want greater certainty than a determination of no significant impact. According to floodplain managers nationwide, the standard should be raised to a more stringent level of determination that of no adverse impact. When this issue was discussed at the community meeting, Mr. King indicated that the City's position is to follow existing State and Federal regulations. Opportunities exist for the City to apply a higher standard given that it owns the property. The developer has indicated that it will cooperate to ensure the DEA's conclusion of very little impact. By doing this, there is no significant impact; and if the new terms are used, there is no adverse impact.

Mr. Todd noted issues relative to the nature center proposal. A great deal of support was expressed at the community meeting for the nature center approach or just leaving the wood lot alone. CPC staff noted that neither the Development Plan for Jefferson-Chalmers nor the Master Plan currently allow for same. While the proposal has merit, the site may not be appropriate given that the community already has over 150 acres of recreational park space, the City's financial situation and the fact that historically the subject property was used for housing. For the last 30 years, the Jefferson-Chalmers Development Plan has called for housing. The City is bound by its RFP process, which requires follow through for housing on this development. CPC staff noted that if the current proposal should fall through, revisions and amendments to the Development Plan and Master Plan might be considered in the future for a nature center. At this particular time, however, the City is obligated to follow through with housing.

In response to Commissioner Glaser, Mr. Todd noted that CPC staff understood the City of Grosse Pointe moved forward and made the necessary repairs to the seawall on its side of Fox Creek. Detroit didn't make improvements to its side. CPC staff is unable to speak with certainty as to what happened.

Commissioner Williams noted that the City did not follow through because of the cost. Mr. Todd noted that financing is one of the components of the mitigation plan the DEA is working on. Some sources may have been identified but there would probably be some assessment on every floodplain property owner who would be relieved as a result of this effort.

Commissioner Glaser inquired as to the level of flooding that presently occurs in this area. Mr. Todd noted that water levels in the canals and River are presently low and are continuing to drop. In fact, a resident, Ms. Meadows of the MotorBoat Subdivision, is seeking to have the canals dredged because the water levels are too low and the drafts of the boats are too great. The property owners are trying to clear paths so they can have better access and usage of the canals.

Commissioner Jeffrey felt that the CPC's responsibility is to review the proposal in light of the Jefferson-Chalmers Development Plan, the Master Plan, and the sentiments of the CDC. The CPC's role is to determine whether putting a housing development on that site is appropriate considering all of the other issues that will be worked out before final site plan approval. This request is to use this land for a housing purpose that has been designated for 30 years. The site does not harbor rare birds or plant life. And even if there were, this site has been designated for housing. The CPC needs to be very clear about its responsibility. Citing his experience with the community, Commissioner Jeffrey noted that he understood the difference between a community concern and a vested interest concern. Persons with vested interest concerns have the right to be heard. But the community representative in this area is the CDC. The CDC voted twice for this development plan. CPC should not be confused about what the community wants. The community has spoken through its representatives.

Commissioner Williams noted that it depended on how the CDC is structured. The CDC had not heard the plan at its first vote. Commissioner Jeffrey noted that many years ago the CDC voted for the Development Plan calling of housing on the site. The CDC is just reinforcing what it wants in the community.

In response to Commissioner Glenn, Mr. Todd summarized the action of the CDC. The motion that was put on the table was to approve the Morgan housing proposal for the Lenox Grayhaven site provided that the developer continues to work on the issues that were previously laid out, including floodplain issues, the greenway, gating, lighting, etc. The CDC did not make any additional specifications on any one of those issues.

CPC staff recommended approval provided that the developer adhere to applicable regulations and apply best practices in addressing any significant, rare or protected form of plant and animal life on the site; that the developer continue to work with the community, the City and other agencies as appropriate in the design and development of the greenway along the west side of Lenox; that the developer work with the City to insure that no adverse impacts on the surrounding community are realized as the result of any effort to remove this site or any portion thereof from the floodplain; that the developer maintain the property in a neat and orderly fashion, managing dust and collecting and disposing of debris and rubbish, throughout all phases of construction from site preparation through occupancy of the last dwelling; and that the developer submit final site plans and elevations, landscaping, lighting,

and signage plans to the CPC staff for approval prior to the issuance of applicable required permits.

Commissioner Simons inquired as to whether these conditions were presented at the community meeting. Mr. Todd responded negatively pointing out that CPC staff did not have the opportunity to assess all of the concerns raised at that meeting and present it back to the CDC. The conditions of CPC staff's recommendation are based upon understandings presented earlier, and generally presented at the community meeting.

Commissioners Glenn and Simons inquired as to whether all of the questions raised at the community meeting would be addressed should the developer adhere to all of the conditions of the CPC staff recommendation. Mr. Todd responded negatively.

Sharon Meadows, a member of the Jefferson Chalmers Citizens' District Council, was given the opportunity to speak. She noted that she had sent a letter to the Commission outlining the CDC's concerns. As to floodplain issues, the CDC requested assurance that prior to any construction, the developer be required to conduct a study to show the impact of the development on the surrounding community and that the developer be held to the same very strict standard the DEA required when a group of homeowners wanted to dredge its canal. At the community meeting, Mr. King gave the opinion that without doing any studies, this would have no adverse impact. He admitted that there was no data. The CDC asked that studies be done so it can see what the impact will be on the surrounding community prior to advancing the project. The CDC also asked for a study assessing the cumulative impact of all of these developments. Representatives of the DEQ indicated that a single development could have an adverse impact on the community. The only way to know is to conduct the study.

Chidi Nyeche of the Planning and Development (P&DD) noted that as requested, the Department went back to the community to work out outstanding issues. The CDC voted, probably 7 yeas and 3 nays, to approve the project. All of the issues have been addressed with the citizens. The P&DD, in concert with the professional and credible advice of the Department of Environmental Affairs, provided guidelines as to how it would mitigate the issues regarding floodplain, greenway, gated community, etc. FEMA and the Army Corps of Engineers regulate the floodplain. The City of Detroit in conjunction with the developer will file a floodplain management plan to FEMA and the Army Corps of Engineers. Those agencies have the authority to review and provide the City with a seal of approval as to the impact of this development. The City is also working with the Michigan Department of Environmental Quality and the Environmental Protection Agency. All of these steps are being taken to make sure that this project will not adversely and dangerously affect the surrounding community. The Development Agreement guarantees these actions by the P&DD. P&DD recommends that the project move forward. It is a good development and conforms with the Community Reinvestment Strategy.

Upon questioning, Mr. Loper noted the restrictions of the PD zoning classification, the Jefferson-Chalmers Development Plan and the development agreement.

Commissioner Williams expressed concern as to the time frame for construction of the development. Dennis Nowak of Morgan Estates noted that construction is intended to begin at the north end of the site and work back to the water. Purchase agreements have not been executed but there is interest in purchasing the lots.

In response to Commissioner Williams, Mr. Nyeche noted that studies would be formally conducted. The process begins with the filing of an application with FEMA and the Army Corps of Engineers. The application will go along with the site plan. FEMA and the Army Corps of Engineers will review and approve the applications or make recommendations for adjustment. P&DD intends to put those conditions in the development agreement.

Commissioner Williams inquired as to whether the development agreement will stipulate that the all of the units must be constructed at the same time. Mr. Nyeche noted that the development agreement stipulates that within one year, the first four houses will be constructed. The entire development is to be completed within 2 ½ - 3 years.

Mr. Nowak noted that Morgan Development would develop the entire site at once. All of the infrastructure, roads, improvements, berms, entry features, landscaping, etc. will be put in. The developer will immediately build four models and provide for a leasing/sales office to construct the rest of the houses. The houses will be custom built. Purchasers will be able to select from the models or Morgan Development will work with the architects. A total of 18 homes will be constructed.

**ACTION: Commissioner Glenn moved to accept the CPC staff recommendation.**

**Commissioner Jeffrey seconded the motion.**

**Motion carried.**

**VOTE: Yeas: 4**

**Nays: 2 (Commissioners Christensen and Williams).**

**Motion carried.**

Adjournment: The meeting was adjourned at 7:45 PM.